

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0597

DJ NORTH v. OMNISOURCE

Appellate Case Information

Case Filed: 28-Sep-2023

Case Closed:

Dept/Composition

Department D

Hon. Michael S Catlett
Hon. Jennifer M Perkins
Hon. Randall M Howe

Side 1. DJ NORTH 41ST AVENUE, LLC, Plaintiff/Appellee/Cross-Appellant
(Litigant Group) DJ NORTH 41ST AVENUE, LLC

- DJ North 41st Avenue LLC

Co-Counsel for: Plaintiff/Appellee/Cross-Appellant

Michael Walter Thal, Esq. (AZ Bar No. 23843)
Mickell J Summerhays, Esq. (AZ Bar No. 36133)

Side 2. OMNISOURCE UNITED, INC., Defendant/Appellant/Cross-Appellee
(Litigant Group) OMNISOURCE UNITED, INC.

- Omnisource United Inc

Attorneys for: Defendant/Appellant/Cross-Appellee

Richard W Hundley, Esq. (AZ Bar No. 19829)
William A Kozub, Esq. (AZ Bar No. 14826)

CASE STATUS

Jul 25, 2024.....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2020-015278, Breach of Contract, Susan G White, Authoring Judge of Order.

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR
25-Sep-2024 Department D; COURTROOM 2
2:00 PM

Mixed

27 PROCEEDING ENTRIES

- 1. 28-Sep-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/30/23
2. 28-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 28-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 29-Sep-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
5. 2-Oct-2023 FILED: Application for Substitution of Counsel with Client Consent; Certificate of Service; Order re: Application for Substitution of Counsel with Client Consent (Appellee/Cross-Appellant)
6. 2-Oct-2023 ORDERED: Application for Substitution of Counsel with Client Consent (Appellee/Cross-Appellant) = GRANTED and substituting Michael W. Thal and Mickell J. Summerhays of Lang & Klain, P.C. as counsel for appellee/cross-appellant in place of Nicholas James Scavio of Scavio Law Firm, PLLC, and Adam P. Harris and Salvatore Picariello of Fortis LLP. Melina Brill ProTem Judge - Author
7. 5-Oct-2023 RECEIPT No.: 2023-00939 ; \$280.00, Authorization: # 78004991359, Applied to: OMNISOURCE UNITED, INC. - Class A Filing Fee (\$280.00) Paid for: William A Kozub - By nCourt LLC
8. 5-Oct-2023 RECEIPT No.: 2023-00940 ; \$280.00, Authorization: # 78004991359, Applied to: DJ NORTH 41ST AVENUE, LLC - Class A Filing Fee (\$280.00) Paid for: Lang & Klain PC - By nCourt LLC
9. 10-Oct-2023 FILED: Appellate Clerk Notice Re: Appellee/Cross Appellant's Fee Paid and Case Management Statement Due/Appellant's Brief Due
10. 8-Nov-2023 FILED: Appellee/Cross-Appellant DJ North 41st Avenue, LLC Case Management Statement (Appellee/Cross-Appellant)
11. 27-Nov-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
12. 27-Nov-2023 FILED: Appendix to Appellant's Opening Brief (Appellant/Cross-Appellee)

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13. 28-Dec-2023 FILED: Stipulation to Extend Time to File Combined Brief on Cross Appeal; Certificate of Service (Appellee/Cross-Appellant)
14. 28-Dec-2023 ORDERED: Stipulation to Extend Time to File Combined Brief on Cross Appeal (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 01-08-2024 to Friday, 01-26-2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
15. 25-Jan-2024 FILED: Combined Response to Appellant's Opening Brief and Opening Cross-Appeal Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
16. 5-Mar-2024 FILED: Appellant's Reply Brief and Answering Brief to Cross Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
17. 28-Mar-2024 FILED: Reply Brief in Support of Cross Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
18. 29-Mar-2024 FILED: Defendant's/Appellant's Request for Oral Argument; Certificate of Service (Appellant)
19. 30-Apr-2024 ORDERED: Defendant's/Appellant's Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
20. 2-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 13-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 25-Jul-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 9-25-24, 11:30 am, COURTROOM 2.
23. 12-Aug-2024 FILED: Notice of Oral Argument
24. 15-Aug-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Michael W. Thal on 08/15/2024 (Appellee)
25. 15-Aug-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Richard W. Hundley on 08/15/2024; Certificate of Service (Appellant)
26. 20-Aug-2024 ORDERED: Resetting the time for oral argument on 09/25/2024 to 2:00 p.m. before Department D in Courtroom 2. Hon Michael S Catlett - Author
27. 22-Aug-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Michael Thal on 08/22/2024 (Appellee/Cross-Appellant)